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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,117	12/13/2000	Michael Albert Haase	56217USA9A.002	3672

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EXAMINER
WARD, JOHN A

ART UNIT	PAPER NUMBER
2875	

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/736,117	HAASE, MICHAEL ALBERT	
	Examin r	Art Unit	
	John A. Ward	2875	

-- The MAILING DATE of this communication appears on the cover sheet with th correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 August 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 2 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Krietzman (US 6,000,813).

Regarding claim 2, Krietzman ('813) discloses a laser pointer 10 comprising of a plurality of laser elements capable of emitting beams of visible light, at least two laser elements emitting light at different frequencies and at least one of the laser elements are a laser diode 100 (column 3, lines 26-36).

Regarding claim 5, Krietzman on column 3, lines 26-31 teach that no more then one-laser diode may be actuated at any one time.

Claims 3, and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Krietzman (US 6,000,813).

Regarding claim 3, Krietzman ('813) discloses a laser pointer 10 comprising of a plurality of laser elements capable of emitting beams of visible light, at least two laser elements emitting light at different frequencies and at least one of the laser elements are a laser diode 100 (column 3, lines 26-36).

Regarding claim 6, Krietzman on column 3, lines 26-31 teach that no more then one-laser diode may be actuated at any one time.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4, 7, 10, 13, 16, 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krietzman (US 6,000,813) and in view of Feldman (US 5,938,308).

Regarding claim 1, Krietzman ('813) discloses a laser pointer 10 comprising of a plurality of laser elements capable of emitting beams of visible light, at least two laser

elements emitting light at different frequencies and at least one of the laser elements are a laser diode 100 (column 3, lines 26-36).

Regarding claim 4, Krietzman on column 3, lines 26-31 teach that no more then one-laser diode may be actuated at any one time.

Regarding claim 7, Krietzman does not discloses the electronic device wherein said at least two laser elements emit beams which are collimated beams which are substantially parallel.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange the laser elements substantially parallel, since it has been held that rearranging parts of an invention involves only routine skill in the art. ***In re Japikse, 86 USPQ 70.***

Regarding claim 10, Krietzman does not teach that at least one of said laser elements emits light at a red, orange or yellow visible wavelength and at least one of said laser elements emits light at a green, blue or violet visible wavelength (column 4, lines 45-51).

It would have obvious to one having ordinary skill in the art at the time the invention was made to use a selection of visible colors of red, orange or yellow and green, blue, or violet, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. ***In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).***

Regarding claim 13, Krietzman does not teach that the electronic device wherein at least one of said laser elements emit light at a red visible wavelength and at least one of said laser elements emits light at a green or blue visible wavelength.

It would have obvious to one having ordinary skill in the art at the time the invention was made to use a selection of visible colors of red, green, or blue, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. ***In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).***

Regarding claims 16 and 20, Krietzman does not teach that the electronic device wherein at least one of said laser elements is a green-emitting II-VI, red-emitting III-V, or a green-emitting frequency-doubled laser and or at least a laser element comprised a red-emitting III-V semiconductor laser diode.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a green emitting II-VI, red emitting III-V, green emitting frequency doubling or red emitting III-V laser element since the applicant has not disclosed that the type of laser diode solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any of the listed laser elements.

Regarding claim 1, and 24, Krietzman does not disclose the electronic device weighing no more than 450 grams.

Feldman et al ('308) disclose a laser pointer that comprise of a laser light 31, battery 25 and housing 11, also on column 2, lines 60-66 teaches that the pointer is light weight and can be easily handled by the user.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the laser pointer of Krietzman with the projection pointer of Feldman et al in order to provide a pointer that is similar to a writing pen that is light weight and allows the instrument to be carried in a pocket, briefcase, or pocket as taught by Feldman et al (column 2, lines 36-43).

Claims 8, 11, 14, 17, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krietzman ('813) in view of Feldman et al ('308).

Regarding claim 8, 11, 14, 17, 21 and 22 Krietzman discloses all the limitations of the claimed invention including a laser pointer having a plurality of laser elements emitting light at different frequencies.

Regarding claim 8, Krietzman does not discloses the electronic device wherein said at least two laser elements emit beams which are collimated beams which are substantially parallel.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange the laser elements substantially parallel, since it has been held that rearranging parts of an invention involves only routine skill in the art. ***In re Japikse, 86 USPQ 70.***

Regarding claim 11, Krietzman does not teach that at least one of said laser elements emits light at a red, orange or yellow visible wavelength and at least one of said laser elements emits light at a green, blue or violet visible wavelength (column 4, lines 45-51).

It would have obvious to one having ordinary skill in the art at the time the invention was made to use a selection of visible colors of red, orange or yellow and green, blue, or violet, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. ***In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).***

Regarding claim 14, Krietzman does not teach that the electronic device wherein at least one of said laser elements emit light at a red visible wavelength and at least one of said laser elements emits light at a green or blue visible wavelength.

It would have obvious to one having ordinary skill in the art at the time the invention was made to use a selection of visible colors of red, green, or blue, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. ***In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).***

Regarding claims 17 and 21, Krietzman does not teach that the electronic device wherein at least one of said laser elements is a green-emitting II-VI, red-emitting III-V, or a green-emitting frequency-doubled laser and or at least a laser element comprised a red-emitting III-V semiconductor laser diode. .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a green emitting II-VI, red emitting III-V, green emitting frequency doubling or red emitting III-V laser element since the applicant has not disclosed that the type of laser diode solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any of the listed laser elements.

Regarding claim 22, Krietzman does not disclose the electronic device weighing no more than 450 grams.

Feldman et al ('308) disclose a laser pointer that comprise of a laser light 31, battery 25 and housing 11, also on column 2, lines 60-66 teaches that the pointer is light weight and can be easily handled by the user.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the laser pointer of Krietzman with the projection pointer of Feldman et al in order to provide a pointer that is similar to a writing pen that is light weight and allows the instrument to be carried in a pocket, briefcase, or pocket as taught by Feldman et al (column 2, lines 36-43).

Claims 9, 12, 15, 18, 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krietzman (US 6,000,813).

Regarding claim 9, 12, 15, 18, 19 and 23 Krietzman discloses all the limitations of the claimed invention including a laser pointer having a plurality of laser elements emitting light at different frequencies.

Regarding claim 9, Krietzman does not discloses the electronic device wherein said at least two laser elements emit beams which are collimated beams which are substantially parallel.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange the laser elements substantially parallel, since it has been held that rearranging parts of an invention involves only routine skill in the art. ***In re Japikse, 86 USPQ 70.***

Regarding claim 12, Krietzman does not teach that at least one of said laser elements emits light at a red, orange or yellow visible wavelength and at least one of said laser elements emits light at a green, blue or violet visible wavelength (column 4, lines 45-51).

It would have obvious to one having ordinary skill in the art at the time the invention was made to use a selection of visible colors of red, orange or yellow and green, blue, or violet, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. ***In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).***

Regarding claim 15, Krietzman does not teach that the electronic device wherein at least one of said laser elements emit light at a red visible wavelength and at least one of said laser elements emits light at a green or blue visible wavelength.

It would have obvious to one having ordinary skill in the art at the time the invention was made to use a selection of visible colors of red, green, or blue, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. ***In re Boesch, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).***

Regarding claims 18 and 19, Krietzman does not teach that the electronic device wherein at least one of said laser elements is a green-emitting II-VI, red-emitting III-V, or a green-emitting frequency-doubled laser and or at least a laser element comprised a red-emitting III-V semiconductor laser diode. .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a green emitting II-VI, red emitting III-V, green emitting frequency doubling or red emitting III-V laser element since the applicant has not disclosed that the type of laser diode solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any of the listed laser elements.

Regarding claim 23, Krietzman does not disclose the electronic device weighing no more than 450 grams.

Feldman et al ('308) disclose a laser pointer that comprise of a laser light 31, battery 25 and housing 11, also on column 2, lines 60-66 teaches that the pointer is light weight and can be easily handled by the user.

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the laser pointer of Krietzman with the projection pointer of Feldman et al in order to provide a pointer that is similar to a writing

pen that is light weight and allows the instrument to be carried in a pocket, briefcase, or pocket as taught by Feldman et al (column 2, lines 36-43).

Response to Arguments

Applicant's arguments, see argument in the first paragraph of remark filed August 18th, 2003 with respect to the rejection(s)of claim(s) 2, 3, 5, and 6 under 102 (b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Krietzman given a 102 (e) rejection.

Applicant's arguments filed on August 18th, 2003 regarding claims 2 and 3, that Krietzman fails to specifically teach or suggest a device comprising a plurality of visible light laser elements capable of emitting beams at different frequencies have been fully considered but they are not persuasive. Krietzman clearly teaches on column 3, lines 26-36 does clearly suggest or envision that the device can be used with a plurality of laser light elements with varied wavelengths.

Applicant's arguments filed August 18th, 2003 that the Krietzman does not teach regarding claims 5 and 6, that no more than one laser diode maybe actuated at any one time have been fully considered but they are not persuasive. On column 3, lines 50-61 do teach and suggest that a switch can provide power to the laser diode.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically

pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's arguments filed August 18th, 2003 that the reason for the weight of the laser pointer is about 450 grams is disclosed have been fully considered but they are not persuasive. The prior art of Feldman et al do teach and suggest that the pointer is portable and lightweight.

Applicant's arguments filed on August 18th, 2003 in regards to a particular frequency or wavelength, that the color of the laser diodes has been fully considered but they are not persuasive. Krietzman does teach on column 3, lines 26-36 that the colors can be of any wavelength.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Krietzman does teach on column 3, lines 26-36 that the colors can be of any wavelength.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 703-305-5157. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0596.

JAW
September 3, 2003

John A. Ward
Patent Examiner AU 2875